

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

§
§
§
§

**vs.
DWAIN CARAWAY (01)**

CASE NUMBER 3:18-CR-409-M

DEFENDANT'S THIRD UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Dwaine Caraway, Defendant in the above styled-number case, and files this Third Unopposed Motion For Continuance of the Sentencing Hearing date and would respectfully show the Court as follows:

I.

The case is currently set for sentencing on **April 5, 2019 at 1:30 p.m.** Defense counsel and Mr. Andrew Wirmani, Assistant United State Attorney spoke on Thursday, February 14, 2019 regarding this motion. During that conversation the undersigned and Mr. Andrew Wirmani, Assistant United State Attorney agreed to the filing and granting of this motion for the following reasons:

1. Mr. Andrew Wirmani, Assistant United States Attorney in charge of this case is scheduled to start a trial on February 18, 2019 and said trial is expected to last between 6-8 weeks. This will in all likelihood create a conflict with the current sentencing date and other related deadlines.
2. Defense attorney has been ill since January 23, 2019 and under the care and treatment of his

primary doctor and a cardiologist and has undergone a number of heart relate medical tests, that has interfered with his ability to work full time.

3. As such, the Parties request that this Honorable Court, continue the sentencing date from April 5, 2019 to a date in late June or early July 2019, and also reset any and all currently pending deadline accordingly.
4. Attorney for the United States is not opposed to this request as evidenced by the certificate of conference below.

II.

This motion is not made for the purpose of delay, but so that justice may be done.

III.

WHEREFORE, Defendant prays this Unopposed Motion be granted and that the sentencing in this case be reset to another date in late June or early July 2019.

Respectfully submitted,

PAYMA, KUHNEL & SMITH, P.C.
PAYMA LAW CENTER
1126 N. Zang Blvd.
Dallas, Texas 75203
(214)999-0000
(214)999-1111 Facsimile

/s/ Michael D. Payma
MICHAEL D. PAYMA
Michael@pksattorneys.com
State Bar No.: 00790560

CERTIFICATE OF CONFERENCE

I hereby certify that on February 14, 2019, I personally spoke with Mr. Andrew Wirmani, Assistant United State Attorney regarding this motion, and he stated that he was **UNOPPOSED** to the granting of this motion.

/s/ Michael D. Payma
MICHAEL D. PAYMA

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been forwarded to Assistant United States Attorney in charge of this case, on February 18, 2019, utilizing the ECF system which sent notification of the filing and a link to an electronic copy the document to all parties that participated in the ECF system.

/s/ Michael D. Payma
Michael D. Payma